

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

## **SENATE, No. 2364**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MARCH 4, 2013

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2364, with committee amendments.

As amended, this bill establishes an early voting procedure to allow voters to cast their votes at specially designated polling places, starting on the 15th day before the primary election for the general election and the general election, and ending on the second calendar day before the election (a Sunday). A municipality holding municipal elections on the second Tuesday in May, by an ordinance adopted by its governing body, may also conduct early voting for those municipal elections.

Under the bill, as amended, early voting will enable a registered voter to vote at a designated polling place before the day of certain elections using a paper ballot. Designated polling places must be open for early voting on Monday through Saturday from 10 AM to 8 PM, and on Sunday from 10 AM to 6 PM. A duly-registered voter will be permitted to vote after signing an early voting voter certificate, and after the voter's eligibility to vote is ascertained in substantially the same manner as done on election day. At least once each day during the early voting period, and prior to the start of the regularly scheduled election, each county board must make such changes as may be necessary to the voter's record in the Statewide voter registration system and the signature copy register used at each polling place to indicate that a voter has voted in that election using the early voting procedure. A voter who participates in early voting would not be permitted to vote by mail-in ballot or in person on election day.

As amended, the bill provides that each county board of elections is to designate three early voting locations in each county, except that the county board must designate a total of five public locations for early voting if the number of registered voters in the county is at least 150,000 but less than 300,000, and must designate a total of seven public locations for early voting if the number of registered voters in the county is 300,000 or more. Under the bill, the number of registered voters in each county must be determined ahead of the

selection of early voting sites pursuant to a uniform standard to be developed by the Secretary of State. Whenever possible, early voting sites must be geographically located so as to ensure both access in the part of the county that features the greatest concentration of population, according to the most recent federal decennial census of the United States, and access in various geographic areas of the county. No public school building may serve as an early voting location. Once early voting locations are designated in each county, county boards of election must, as provided by the Secretary of State, evaluate and, if deemed necessary, revise these locations in order to accommodate significant changes in the number of registered voters within each county, reflect the population distribution and density within each county, or enhance convenience when an early voting site has proven to be inconvenient for the voters, or because of similar circumstances. The Secretary of State must develop the criteria to be used by county boards of election to revise the location of early voting sites and must prescribe how often such revision must take place.

The election officers responsible for conducting early voting would be the same as those responsible for conducting a general election. The number of such officers and their hours of service would be as determined by each county board of elections. The compensation for such officers would be as provided for by current law for poll workers serving at a school election.

The bill provides that each county board will be responsible for forming and executing a written plan for the security of the ballots used during the early voting period, including voted ballots and election materials, based on guidelines established by the Secretary of State and submitted thereto no later than December 15 of each year. The written security plan is to ensure, to the greatest extent possible, the integrity of the voting process and the security of ballots used during the early voting period. The security plan must specify a chain of custody of ballots and voted ballots, which must include the transfer of voted ballots to each county board of elections at the end of each early voting day for safekeeping until canvassing on election day. For the elections that early voting is available, the procedures concerning the conduct of voters at the polling place and the appointment of challengers, as well as the prohibition on electioneering within 100 feet of a polling place, will be as provided for in current law.

The bill also provides that, in addition to any publications required under Title 19 of the Revised Statutes, the Secretary of State and county boards of elections must publish on the Department of State's website and the respective county's website information concerning the early voting procedure. The early voting information must include, but may not be limited to, a notice to the public concerning their eligibility to participate in early voting, the duration of the early voting period, and the locations and hours of operation of specially designated polling places for early voting in each county.

Funds to pay for early voting would be provided to each county governing body and each non-partisan municipal governing body that approves early voting in such amounts as the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury deem necessary to cover any additional costs incurred as a result of this bill.

As amended, this bill will take effect on July 1, 2013, or immediately if enacted after that date. This bill is based on the early voting procedures used by other states that permit in-person voting prior to the day of certain elections.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) Regionalize the implementation of early voting, eliminating the requirement for an early voting site in each municipality, and providing instead that each county must have designated three early voting locations, except that the county board of elections must designate a total of five public locations for early voting if the number of registered voters in the county is at least 150,000 but less than 300,000, and will designate a total of seven public locations for early voting if the number of registered voters in the county is 300,000 or more. The number of registered voters in each county must be determined ahead of the selection of early voting sites pursuant to a uniform standard to be developed by the Secretary of State;

(2) Provide that early voting sites must be geographically located so as to ensure both access in the part of the county that features the greatest concentration of population, according to the most recent federal decennial census of the United States, and access in various geographic areas of the county;

(3) Increase by two the number of hours that early voting sites must be open on a Sunday, which would be from 10 AM to 6 PM; and

(4) Change the effective date from the January 1 next following enactment, to July 1, 2013 or immediate if enacted after that date.

#### FISCAL IMPACT:

Funds to pay for early voting would be provided to each county governing body and each non-partisan municipal governing body that approves early voting in such amounts as the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury deem necessary and are appropriated to cover any additional costs incurred as a result of this bill.

According to the Division of Elections in the Department of State, first year costs of this bill, assuming the purchase of electronic poll books, total \$22.8 million, comprised of \$21 million in start-up costs (\$19.5 million for electronic poll books and \$1.5 million for ADA compliant machines) and \$1.8 million in annual administrative costs.

The OLS notes that if electronic poll book technology were not affected then, the bill's cost in the FY 2014 would be reduced by \$11.1 million, to \$11.7 million, and increased in subsequent years by at least \$7.488 million in overtime costs, to \$9.3 million.